

F

199

D625

copy

PROPOSAL TO IMPROVE THE PRESENT
FORM OF GOVERNMENT

FOR

THE DISTRICT OF COLUMBIA.

REPORT OF THE SELECT COMMITTEE

TO THE

CITIZENS REPRESENTATIVE COMMITTEE OF ONE HUNDRED

FEBRUARY 14, 1888



Class _____

Book _____



Mr. Fendall, Chairman of the Select Committee, appointed to consider and report upon the president's address, in submitting the report, said :

" I deemed it my duty, on accepting a re-election to the presidency of the Committee of One Hundred, to call attention to the existing plan of managing District affairs, about which, it is needless to say, there is much and growing dissatisfaction. To my mind this plan has outlived its usefulness, and must be modified or abandoned. The people of the District must have some voice in some way in levying and distributing the millions collected from them annually by taxation. Either the present form of governing the District must be modified and improved, or some other will take its place, most probably involving unlimited suffrage. Entertaining this view, I invited your attention to the subject, and you ordered its consideration by a special committee. I am directed by that committee to submit the following report : "

PROPOSAL TO IMPROVE THE PRESENT
FORM OF GOVERNMENT
FOR
THE DISTRICT OF COLUMBIA.

REPORT OF THE SELECT COMMITTEE
TO THE
CITIZENS' REPRESENTATIVE COMMITTEE OF ONE HUNDRED.

FEBRUARY 14, 1888.

The Select Committee on the Address of the President of the Citizens' Representative Committee of One Hundred have carefully considered the matters contained therein, and present the following

REPORT.

It was understood by your Committee that the principal question presented in the address invited a consideration of the existing form of our Local Government, and the propriety of attempting to improve the same.

It has been thought that this question could not be presented properly, on account of the complex relations of the Local Government toward Congress, the People of the United States, and our own citizens, without at least a brief historical sketch of the inception, successive phase of development, and present condition of the entire territory which includes the Capital proper and is known as the District of Columbia.

This sketch becomes important, because our National Capital is peculiar in the respect that no well-known, long-estab-

lished, and historical city was selected, as in other countries, in which city the Government became, and remained as a kind of large Corporation, with its *personnel* subject to existing municipal rule like other citizens, but instead, a tract of land was selected where the Capital City could be established upon the virgin soil, and grow up on a pre-determined plan, and in which the Congress should be not merely the principal and dominating element, but should have supreme power of control. As incident to this Capital City, surrounding territory was essential only as a matter of protection from hostile assault, and as affording established towns where the comforts of life could be provided while the Capital City was being built.

This sketch is also thought proper because, although the District of Columbia is politically less than one hundred years old, the memory of its early life is becoming so involved in obscurity and doubt that of late years men widely known in public affairs, and newspapers of commanding influence, have made statements respecting its governmental history which have obtained large credit, without having proper foundation in fact.

Birth of the District of Columbia.

In October, 1783, the Congress of the Confederate States began to discuss the question of the site of the National Capital, and to take into consideration the many pecuniary and other inducements offered by various States and cities, and the advantages of twenty different localities which were proposed, and continued the discussion without result until September, 1788.

The Congress of the United States, under the Constitution which came into effect in 1789, took up the matter in May of that year, and settled in 1790 upon the location of a territory to contain the Capital on the banks of the Potomac river, within certain limits, as the result of a compromise effected by

Hamilton and Jefferson, representing, respectively, the wishes of the Northern and Southern States.

The Constitution had gone into effect the year before with the present provision among the enumerated powers of Congress, viz :

“To exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States.”

Maryland had already, in 1788, authorized the cession of any district in the State, not exceeding ten miles square, which Congress might accept, and Virginia in 1789 had ceded any district within that State, not exceeding ten miles square, which Congress might accept, with the qualification, however, that the jurisdiction of the laws of the State over that portion ceded should not cease until Congress had provided by law for the government thereof, under the proper provision of the Constitution.

In pursuance of these acts of Maryland and Virginia, Congress on July 16, 1790, authorized the President to appoint three Commissioners to locate a territory of ten miles square between the mouths of the Eastern Branch and the Conocoheague, which is a branch of the Potomac river above Harper's Ferry.

This act of July 16, 1790, also provided that the operation of the laws of the respective ceding States should not be affected by the cession until the date of removal of the Government thereto on the first Monday of December, 1800, “or until Congress shall otherwise by law provide.”

The boundaries first laid out by the Commissioners were not satisfactory, and Congress on March 3, 1791, amended the former act, and authorized a location—

“below the Eastern Branch, and above the mouth of Hunting Creek, so as to include a convenient part of the Eastern Branch and the lands lying on the lower side thereof, and also the town of Alexandria,”—

and a new location of the boundaries was made by the Commissioners, which existed until the Virginia portion was ceded in 1846, and remains as to the boundaries of the portion ceded by Maryland, which has since that date constituted the District of Columbia.

President Washington, by proclamation of March 30, 1791, announced the boundaries as finally settled by the Commissioners.

On April 19, 1791, the President contracted with the principal owners of the land, upon which he had determined to establish the Capital City, and these proprietors conveyed by deeds dated June 29, 1791, these lands to trustees, to be by them conveyed to the Commissioners, who had, under the act authorizing their appointment, the power to purchase or accept lands for the site of the Capital City within the District, to make plans for the city subject to the approval of the President, and to provide public buildings. To defray such expenses the President was authorized and requested to accept grants of money.

The territory designated for this site of the Capital had the little villages of Hamburgh and Carrollburgh upon it, and certain lot-owners in these villages, as well as a few other small proprietors, would not sell their lands, and so the State of Maryland was called upon for legislation. Accordingly, Maryland, by act of December 19, 1791, ceded formally its part of the territory of Columbia as finally located, reserving jurisdiction of law over the same "until Congress shall by law provide for the government thereof in accordance with the provisions of the Constitution," and provided for the condemnation of the lands before mentioned, whose owners would not sell "from imbecility and other causes;" for the recording of deeds within the ceded territory; for a mechanic's lien upon houses to be erected in the Capital City; authorized the Commissioners to make regulations concerning wharves, the building of houses, and the sale of spirituous liquors, and directed a loan of \$72,000 to be paid at once for the use of the new city.

By the deed of the proprietors of the land the trustees were obliged to convey to the Commissioners for the use of the United States, forever, all the streets, and such of the squares, parcels, and lots as the President should deem proper for the use of the United States. The residue of the lots were to be divided equally, one-half to the original proprietors, the other half to the United States, to be sold at such times and upon such terms as the President might direct, and the proceeds of the sales of the Government lots were to be applied to the erection of public buildings and the improvement of streets. Subsequently, by act of May 6, 1796, the remainder of the lots were to be sold for the payment of such lands as the Government reserved for public purposes.

Even before the complete acquisition of the land for the Capital City it had been laid out in its principal features by L'Enfant, a French engineer, and the Commissioners began in October, 1791, to sell the public lots. L'Enfant went on and completed his plans, and Washington submitted the same to Congress on December 13, 1791. Subsequently, L'Enfant was dismissed, and Mr. Ellicott completed, with some modifications, the plan for the City of Washington substantially as it now exists.

Thus the year 1791 may be assigned as the date of the birth of the District of Columbia, as the territory had been acquired and designated, the City of Washington had been laid out and named, and money had been provided to some extent to commence the work of building.

Building of the Capital City.

The plan of the city was designed upon a magnificent scale. It covered 7,161 acres, divided as follows :

Taken by the Government, for streets, avenues and alleys.....	3,604 a.
Taken by the Government, for public reservations and buildings	541 "

Taken by the Government, 10,136 lots donated to the Government.....	1,508 a.
Total taken by the Government.....	5,653 a.
10,136 lots conveyed to their original proprietors, 1,508 “	
	<hr/> 7,161 a.

It will be noticed that more than one-half of the entire area was to be used for streets, avenues and alleys—a proportion without parallel in other cities before or since. This was a free gift to the Government. The 541 acres taken for public reservations and buildings were to be paid for at the rate of \$66.66 per acre, but as this land was paid for out of the proceeds of the sales of lots which had been donated to the Government, it will be seen that the Government paid nothing for five-sevenths of the entire area of the City of Washington.

Upon this ample space the Government proposed a Capital City which should meet the wants and respond to the pride of the country for all time.

The following, from the *Philadelphia Herald* of January, 1795, indicates the popular sentiment of that day :

“ To found a city for the purpose of making it the depository of the acts of the Union, and the sanctuary of the laws which must one day rule all North America, is a grand and comprehensive idea, which has already become with propriety the object of public respect. The City of Washington, considered under such important points of view, could not be calculated upon a small scale ; the disposition of its avenues and public squares should all be compared with the magnitude of the objects for which it was intended, and we need only cast our eyes upon the situation and the plan of the city to recognize in them the comprehensive genius of the President, to whom the direction of the business has been committed by Congress.”

In a Senate report of later date, 1835, the following statement is made :

“The District was the creation of the Union for its own purposes, the plan of which was formed by the public authorities, the dimensions of the streets determined by them without interference by the inhabitants or regard to their particular convenience or interest—a plan calculated for the magnificent Capital of a great Nation, but oppressive from its very dimensions and arrangement to the inhabitants, if its execution to any considerable extent was thrown upon them.”

It was understood at the time the Capital City was planned that the General Government was to open and improve the streets, as is shown by various acts of Congress, and by the correspondence of Washington and Jefferson with the Commissioners, it being supposed that from the proceeds of the sales of its city lots by the Government a fund would be raised sufficient for the erection of the public buildings and the improvement of the streets, this fund being carried on the books of the Commissioners as the “City Fund.” Washington, in a letter to the Commissioners of December 14, 1795, says: “When you are in a situation to begin the opening of the avenues, it is to be presumed that those which will be more immediately useful will be first cleared.”

Jefferson writes to them August 1, 1801:

“I consider the creation of the representative chamber, and the making of a good gravel road from the new bridge on Rock Creek along Pennsylvania Avenue and New Jersey Avenue to the Eastern Branch, the most important objects for insuring the destinies of the city which can be undertaken.”

And in his message to Congress January 11, 1801, he speaks of the lots as being sufficient to meet certain demands and “insure a considerable surplus to the city to be employed for its improvement,” and suggested that the sale of the lots be not forced beyond the demand for them, lest “the residuary interest of the city be entirely lost.”

The building of the city had gone forward but little when it was found that the sales of the Government lots, together

with the loan of \$72,000 from Maryland, would be insufficient for the requirements.

When Congress in 1790 had directed the Commissioners to have the Capitol, the President's house, and the Department buildings ready for occupancy in December, 1800, it had made no appropriation for that purpose. Under the authority to accept loans, the President next received an additional sum of \$120,000 from the State of Virginia. Still, this sum becoming exhausted, Congress, by act of May 6, 1796, authorized the Commissioners to borrow \$300,000, and pledge the remaining city lots as security.

The Commissioners were unable to borrow this amount, but finally succeeded in getting two hundred thousand dollars from the State of Maryland in United States six per cent. bonds at par upon the security formerly offered, and their own personal bonds for double the amount. These bonds were converted into money at the rate of 65 per cent., and netted \$130,873.41; a most significant indication of the poverty of the country and the low estimate of the permanence of Republican institutions. These funds were not sufficient, and in February, 1800, \$50,000 more of bonds were borrowed by the Commissioners from the State of Maryland, upon the same security as the previous bonds, and from the sale of these bonds the sum of \$40,488.96 was realized. By means of all these sources of revenue the Commissioners managed to have the public buildings in a greater or less degree of completion, and a city with some of the streets opened through the trees and over the swamps, and barely passable, when in 1800 the Government formally established its headquarters at Washington.

The Future Government of the District of Columbia as understood at, and soon after, the adoption of the Constitution.

The article of the Constitution referring to this particular was very general in its terms, and there were questions as to

the precise way in which Congress, if it saw fit, should or would exercise the power of "exclusive legislation."

Madison's opinion of the meaning and mode of action of this article is found in the "Federalist," No. XLIII:

"And as it is to be appropriated to this use with the consent of the States ceding it; and the States will no doubt provide in the compact for the rights and consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the Government which is to exercise its authority over them; as a municipal legislature for local purposes derived from their own suffrages will, of course, be allowed them; and as the authority of the legislature of the State and the inhabitants of the ceded part will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated."

In February, 1803, resolutions providing for the retrocession of the District to its original States were discussed in Congress in Committee of the whole House. The reasons urged for retrocession were these:

1. That exclusive jurisdiction is not necessary nor useful to the Government.

2. That it deprived the inhabitants of the District of their political rights.

3. That much of the time of Congress was spent in legislating for the District.

4. That the government of the District is expensive.

5. The incompetency of Congress to legislate for the District, because its members are strangers to its local interests.

6. This is an example of a government without representation. An experiment dangerous to the liberty of the States.

The reasons urged in reply were these:

1. That the usefulness and probable necessity of exclusive

jurisdiction might be inferred from the experience of the Congress of the Confederation.

2. That the District, when sufficiently populous, would have a representative in Congress, and in the meantime a local legislature.

In this discussion many gentlemen of note took part, and extracts from their arguments are found reported as follows :

Mr. Huger, of South Carolina :

“ He looked forward to the period when the inhabitants, from their number and riches, would be entitled to a representative on this floor. And with respect to their local concerns, when they grow more numerous and wealthy, there would be no difficulty in giving them a Territorial Legislature.”

Mr. Dennis, of Maryland :

“ He thought the situation of Congress in relation to the people of the Territory was not sufficiently understood. He knew it was always troublesome to legislate for any people. He foresaw these inconveniences when they removed to this place. He had thought then, and he thought now, that some legislative government must be provided for this District. In this opinion he had never varied, but had, from successive events, become more confirmed in its accuracy.”

Mr. Bacon, of Massachusetts :

“ But the words of the Constitution are not imperative ; they do not say that Congress shall exercise exclusive jurisdiction over the place thus ceded by the States.”

Mr. Eustis, of Massachusetts :

“ He acknowledged the difficulties of legislating for the Territory. But it was a duty which they could not forego until the government of the people was provided for in some other way ; and that, he thought, should be by an internal legislature.

Mr. Southard, of New Jersey :

“ But he looked to the time, as not far distant, when they would have the right of governing themselves through a territorial legislature.”

Mr. Randolph, of Virginia :

“ The term slavery, sir, excites in the mind of men an odious idea. There are, however, species of this wretched condition. Domestic slavery, of all others the most oppressive, which has been well defined to be that state in which any community is divested of the power of self-government, and regulated by law to which its assent is not required and may not be given. This species of government is an experiment how far freemen can be reconciled to live without rights ; an experiment dangerous to the liberties of these States.

“ To attempt to legislate for the District was in effect to constitute the chairman of the Committee, or at any rate the Committee itself on the affairs of the Territory, the Solon or Lycurgus of the place. It is well known that the indolence of other members or their indifference, inseparable from the situation in which they were placed, would prevent Congress from legislating with a full understanding of the objects before them. He therefore thought it expedient to retrocede all the territory, except the City of Washington.”

“ This disposition of the territory would leave entirely untouched the question which arose from the interest of individuals who had made purchases of property under the faith that Congress would retain the jurisdiction. It is probable that, in such event, a corporation might be established in the city that would answer the ends of the Government, without two-thirds of the time of the National Legislature being consumed.”

Congress gave a practical construction to the articles of the Constitution by rejecting the resolution of recession and by making no change in the government for the City of Washington established the year before.

Local Governments Provided by Congress.

Congress had to meet the question of the government of the District as soon as it got fairly settled in its new quarters. Everything had been going along in the same sort of fashion for ten years, from the date of the acceptance of the territory until that time. The District embraced the city of Alexandria, organized as such in 1748, and Georgetown, organized in 1789, each with the usual charter and an elective form of government. There were besides these the local governments of the counties of Montgomery and Prince George, which embraced the portion of the territory acquired from Maryland, and Fairfax, which included the Virginia portion of the District outside of Alexandria, and all the District was thus under the laws either of Maryland or of Virginia.

Congress adopted and supplemented these laws by act of February 27, 1801, by dividing the District into the counties of Alexandria and Washington; establishing a Circuit Court in the District, continuing the laws of Maryland and Virginia where they had existed; providing for Justices of the Peace to be appointed by the President; creating an Orphan's Court and Register of Wills in each county; and especially declining to alter, impeach, or impair the corporation rights of Alexandria and Georgetown.

Directly afterwards, on March 3, 1801, Congress passed a supplementary act giving the Circuit Court certain powers of appointment of officers before vested in the Levy Courts of Virginia and Maryland, and creating a new Levy Court for the County of Washington.

The City of Washington was incorporated for two years, on May 3, 1802, with a charter providing for a Mayor to be appointed by the President, and a Council of two Chambers. The entire Council of twelve to be elected by free white tax-paying citizens of full age, and one Chamber to be elected by the whole body of Councilmen; and the Council had certain limited powers of local legislation.

In May, 1802, Congress abolished the Commissioners, and created instead a Superintendent appointed by the President, to have entire charge and control of the Government lands in the City of Washington, who has to this day substantially the same duties, and also enlarged the corporate powers of Georgetown, so as to include special taxes for certain purposes.

In 1803 Congress fixed the salary of the Superintendent, and appropriated \$50,000 for the repair of public buildings and the highway between the Capitol and other public buildings.

Some of the Representatives seem to have become wearied at the legislation called for in behalf of the District, and at the next session the resolutions for recession before referred to were introduced. After the failure of these, an effort seems to have been made, in the way of relief, by the enlargement of the charters of the District cities.

In 1804 Congress amended the charter of Alexandria, especially in the qualifications of the voters for municipal officers, who should be free white males of full age, freeholders and taxpayers; and in 1805 amended the charter of Georgetown, making all free tax-paying white men of full age voters for all municipal officers.

In 1804 the charter of Washington was continued for fifteen years longer, with an increase in the number of the Council to eighteen, and enlarging considerably the scope of the legislative functions.

By act of May 4, 1812, the charter of Washington was further changed, with enlarged powers of legislation in the Council, and by act of May 5, 1820, it was still further extended, with increased powers of legislation, the Mayor being then made elective. In 1846 the Virginia portion of the District was ceded back to its original State.

Referring to the local governments thus established, Story, in his Commentaries on the Constitution, says :

“ In point of fact, the corporations of the three cities within

their limits possess and exercise a delegated power of legislation under their charters, granted by Congress, to the full extent of their municipal wants, without any constitutional scruple or surmise of doubt."

Territorial Government.

This form of municipal government for Washington City and the Georgetown and County Levy Court organizations continued until the act of February 21, 1871, when all were abolished, and a territorial government established, with a Governor, Secretary, Board of Health, a Board of Public Works, and a Council of eleven members constituting one branch of the legislature, all appointed by the President and confirmed by the Senate, and a delegate to Congress and a lower branch of the legislature of twenty-two members elected by manhood suffrage, practically unlimited.

In this new form of government the Board of Public Works, of whom the Governor was President, had almost exclusive executive and large legislative powers in the way of municipal regulations, with certain powers of assessment of taxes and disbursement of moneys, and the legislative assembly had certain limited legislative powers.

Thus it would seem that the power "to exercise exclusive legislation in all cases" over the District of Columbia was given to Congress in the constitution for the purpose of establishing beyond question the sovereign right of the general government to protect and maintain itself in its capital; that it was not made the duty of Congress to use this power, and it was not intended that Congress should use it, beyond the extent necessary to accomplish the purposes named; and that from 1802 to 1871, the practical manner in which Congress did exercise its exclusive power was to entrust the control of the District largely to its voters, a mayor being the executive, and a council the legislative branch of its cities.

How the Trust was Executed by the People.

During this period of actual self-government the cities of Washington and Georgetown and the County of Washington, contracted a debt of \$3,105,067.85, which was the entire encumbrance when the Government assumed the territorial form.

Prior to 1835, as appears by a report of the committee of the Senate, the citizens of the District had expended for local improvements the sum of \$430,000, and the United States the sum of \$209,000 for similar purposes. At that date also, as appears from the same report, the property which had been given by the citizens to the United States was valued at about \$2,500,000.

In explanation, it should be stated that the general Government had in the beginning but a slender revenue, the gross income for the first two and three-fourths years being only \$4,771,342.53, or about the amount it now receives in as many days; while the inhabitants of the District, in their anxiety to help build up the Capital City, assumed burdens and incurred expenses "which," so says the Senate report, "did not appropriately belong to them."

Between the dates of 1835 and 1871, it is understood that the sums raised by citizens from taxation and expended upon local improvements were greatly in excess of the moneys appropriated by Congress for the same purposes.

In the war of 1812, the citizens of the District paid a direct tax of \$20,000, and raised besides a voluntary fund of \$5,000 and placed it at the disposition of the President for the defence of the Capital.

When the Capitol was burned by the English soldiers, the citizens of the District fitted up a building for the use of Congress, the bankers of the District offered a loan of \$500,000 to rebuild the public buildings, and the President was authorized by Congress to accept the same.

For the late war the District paid a direct tax of \$49,437.33, and the fifteen per cent. refunded to many of the States has never been refunded to the District.

Since 1862 the citizens of the District have paid \$6,454,-907.03 in internal revenue taxes, or an average annually of a quarter of a million of dollars. The amount of these taxes paid by citizens of the District during the last fiscal year exceeded the amount paid by either of the following seven States, namely: Alabama, Arkansas, Maine, Mississippi, Nevada, South Carolina and Vermont.*

During the war of 1812, and the war with Mexico, the District furnished its full share of soldiers.

During the late war the District furnished its full quota of soldiers, and eighteen and a half per cent. in excess of the same, surpassing in that respect all but one of the States.

Up to the date of the territorial government, the citizens had made commendable progress in the creation of public schools, of police, health, and fire departments, in sewerage, in opening and improving and lighting the streets, and had at all times manifested a proper degree of public spirit, guided by general intelligence.

No Lands for District of Columbia Schools.

It is proper to add here, that the late war brought into the District great numbers of uneducated freedmen, for whom Congress compelled the District to open and maintain schools as largely as for the white children, as well as to educate the children of the great influx of government employés who paid no taxes here, and this, too, in face of the fact that not an acre was ever given to the District of the 90,000,000 acres of public lands given to the States for educational purposes, or of the 155,000,000 acres of public lands given away

* District of Columbia	\$142,172 10
Alabama.....	78,542 76
Arkansas.....	97,630 38
Maine.....	50,286 45
Mississippi	42,608 14
Nevada.....	70,419 50
South Carolina.....	100,146 85
Vermont	30,119 75

for railroads and internal improvements, and no part of the many acres called "swamp lands" given outright to the States; and not a dollar of the \$28,000,000 divided in 1836 among the States came to the District of Columbia.

Commissioner Government.

The territorial form of government was abolished by act of June 20, 1874, and a temporary form of government established in which, under certain limitations, all the executive and legislative functions which had been exercised by the territorial government were committed to three commissioners, to be appointed at large by the President and confirmed by the Senate. An engineer officer of the army was to be detailed to have the oversight of engineering work, under the direction of the Commissioners.

The reason commonly assigned for this change in the government was that the Board of Public Works, who were appointed by the President and paid by the United States, had incurred a large debt by extravagant and unauthorized expenditures, mainly, however, upon government property, viz: Streets, Avenues, and Sewers. This debt, thus created by officers of the United States mainly upon property of the United States, amounted to about \$25,000,000, although, as appears by a report of the Secretary of the Treasury in 1878, the citizens of the District had, reckoning from the beginning up to 1878, paid about \$20,000,000 in taxes and the United States had expended \$6,000,000 in appropriations, all mainly for the improvement of the property of the United States. The citizens had also raised and expended about \$25,000,000 more for the support of the local government.

The So-called District Debt.

As already stated, the aggregate debt created during the long period of popular self-government in the District, 1802 to 1871, was \$3,105,067.85. The present debt was created

under a different system. In the words of a Senate minority report in 1877:

“ At the end of six years only of a government irresponsible to the people, the public debt amounts to \$25,000,000—more than one-fourth of the assessed valuation of the property of the District. Meanwhile, \$13,000,000 have been assessed as special taxes (on the property of the citizens), \$10,000,000 have been assessed as general taxes (also on the property of the citizens), and Congress has appropriated \$6,000,000. Deducting the original indebtedness, we find the enormous sum of \$50,000,000 as the net expenditure of six years’ government by officers ‘appointed by the President and confirmed by the Senate.’ Of this vast sum, not less than \$40,000,000 are chargeable to ‘improvements.’ ”

And this does not include a foot of the 32 miles of asphalt pavement, nor the big boundary sewers, all of which have been constructed and paid for since.

It will thus be seen that popular self-government is responsible for no part of this enormous debt—greater, it is believed, in proportion to population and means than that of any State or other municipality in the United States—except the original three millions, and the four million loan, or seven millions in all, as the people of the District had no voice in creating the balance of the debt.

If the general Government were now to assume the payment of the remainder of this debt, amounting to \$20,612,450, it would be doing no more than to equalize the amount expended by it and the inhabitants of the District from the beginning.

It now takes about one-third of the total annual revenues of the District to pay the interest and sinking fund on the debt, and this heavy drain not only cuts off much needed street improvements but it restricts over eleven thousand school-children to half-day schools, for want of a sufficient number of school-houses. That is, one school-room has to be used for two schools, one school occupying it in the morning and the other in the evening.

The Present Government.

The local government was again changed by act of June 11, 1878, to its present form, the change being mainly in requiring two of the Commissioners to be residents, and the third Commissioner to be an officer of the Engineer Corps of the Army.

At the same time the United States engaged to pay a proportion of the expenses connected with the local government, commensurate with the value of its property as compared with the value of all other property, or practically one-half of the annual expense, and all moneys received were to be deposited in the Treasury of the United States, to be used only as appropriated by Congress, and all payments were to be paid by Treasury warrants.

This was done because the peculiar character of the plan of the City of Washington and its relations to the General Government were such that it would be impossible, as well as unjust, for the private property to pay the interest on the debt, and put and maintain the entire District of Columbia in such state of perfection as the natural pride of the country would demand.

These Commissioners appoint all minor officers, have large legislative powers in the matter of municipal regulations, and full executive powers to carry out the same, and the people of the District have no power or voice in the matter, or in the selection of any officer, or in the valuation of their property, or in the taxation or expenditures of moneys paid by them, and their wants and wishes need not be consulted.

Magnitude of the Work of the Commissioners.

The District has a population of (estimated)	250,000
A valuation of property of	\$238,695,378
Composed of real estate owned by citizens	111,744,830
Personal property owned by citizens	10,943,458
Property owned by the District	2,308,772

Property exempt from taxation.....	\$6,578,634
Property owned by the U. S. (excluding streets and avenues).....	107,119,684
Total.....	<u>\$238,695,378</u>

And this is exclusive of the personal property owned by the United States, which amounts to a large sum.

Amount paid by citizens in taxes, licences, &c. for 1887.....	\$2,374,914.53
Total revenues disbursed in 1886-7.....	4,002,398.54
It has public schools numbering.....	570
Number of teachers in public schools.....	654
Number of scholars enrolled.....	35,000
It has of streets in miles.....	233.62
Of which there are paved with concrete. 69.64 miles	
Paved with granite blocks.....	21.50 “
Paved with cobble and broken stone. 12.73	“
Macadamized.....	8.19 “
Gravelled.....	36.66 “
Old wood pavements.....	.77 “
Unimproved and mostly unopened... 84.08	“
Total... ..	<u>233.62 “</u>

Of country roads in miles.....116

A Fire Department of 7 steam fire-engines, 2 ladder trucks, 8 hose reels, and a force of 101 paid men. A police force of 325 officers and employes of different grades. In population it exceeds each of the Territories except Dakota, and the States of Oregon, Nevada and Delaware.

In valuation of property it surpasses either of the States of Colorado, Delaware, Florida, Nevada, and Oregon.

It comes then to this, that at the present time three gentlemen, one of them by education and previous employment quite unfitted for the performance of any duties except those connected with engineering, are called upon to administer not

only the affairs of a rural but well settled territory, containing suburban villages, but in addition the more complex and delicate demands of a large city with its various questions of schools, streets, sewers, water, health, police, protection against fire, building and plumbing regulations, licences of all sorts, valuation and taxation of property, disbursement of moneys, appointment of officers, and, in addition to all these matters, the still more delicate and arduous duties connected with the alteration of municipal regulations and the framing of new ones.

And all this in the show city of the country.

Occupied as they are, these gentlemen are of necessity unable to make themselves acquainted either with the wishes or the needs of the citizens at large, except as may be made known to them by employes anxious mainly to please their chiefs, or by self-constituted advisers who advise largely for personal advantage.

The Present Form of Government is Wrong in Principle.

The executive is a law maker in the District of Columbia.

It is wrong in principle that the officers who execute the laws should be the very persons who make the laws.

Having the power to make the laws, the same persons have the power to unmake or waive them, or to decline or neglect to enforce them, and if need be to make and unmake them, and to change them every day, and are therefore above and superior to the law. If they make good laws the effect of them is mischievous, because of the uncertainty of their duration; and any one who knows and relies upon the law of to-day can have no reliance that the law will be the same to-morrow, and therefore cannot know what he may or may not do; and if they make bad laws, then, in addition to the feeling of uncertainty as to their duration, there is the sense of personal wrong and injury, and of oppression on the part of those to whom the laws apply.

It is fundamental to the constitution of society that the law should be settled and permanent in character, and not lightly or hastily changed, or, indeed, changed at all, except when it becomes so obnoxious that there is a general demand for the change, or it ceases by common consent to be enforced or obeyed, and thus becomes obsolete.

It is no answer to these propositions that the Commissioners only make municipal regulations under certain limitations imposed by Congress, the higher power. These very municipal regulations are the laws which touch the citizen most nearly, and are upon and around him all the time and affect his daily life and business and family. Neither is it an answer that these statements are fanciful, and that the Commissioners have not made and annulled regulations, or changed or waived them with or without previous notice.

Your Committee asserts that it has been a well-known practice of the Commissioners to repeal old municipal regulations, to make new and different ones in place of them, to revive musty and obsolete ordinances, to change regulations directly after their publication, and to waive or fail to enforce them in special cases, in fact, to make that which was law to-day no law to-morrow, and law again the day after, and to waive, if need be, the enforcement of the law.

Your committee does not make these statements by way of censure of the Commissioners, but by way of complaint of the system, as it is certain that if the present incumbents are displaced by others, their successors, by reason simply of the faulty character of the form of local government, would act in precisely the same way, and indeed could not be expected to act in any other way.

The present form of local government is faulty in another respect.

All governments, to be just and stable, as we agree in this country, must rest upon the unbought consent of the governed, and thus be in accord with their wishes and wants. But in this

District the governed cannot make known their want of consent by overturning the government and putting another in its place, as they can in every other portion of the United States.

Here in this District the consent of the governed has never been asked, and many Senators and Representatives seem to have taken it for granted, that the few residents with whom they most frequently come in social contact *represent the people* who live here.

Your Committee does not admit that those residents who appear to prize a reduction of their own taxes more highly than the right of self-government do represent the people of the District. Waiving this matter of consent, as not obligatory upon Congress, it is still insisted, that the Commissioners have not had, do not have, and cannot have any special knowledge of the wishes or wants of the citizens. No blame is attached to them in this respect, because it is a fault simply of the form of government, and not of the Commissioners personally.

Admit that they desire to know and conform as far as possible to the wants and wishes of the citizens, they cannot do so.

Indeed if they desire to do so they have no time in the pressing nature of their daily duties to gather, to any extent, from the citizens themselves, information of what ought to be done, and accordingly have to rely upon employés of their own, who *ex officio* have always roseate views of the perfection of the present, or largely upon such persons as intend to make their advice valuable to themselves.

Our local government is faulty in the number of its Commissioners.

An executive should always be a single head to be most effective. If, in a triumvirate, one should have the most native force and vigor and will power, so as to dominate the others and thus be in reality the only head, this bad result follows, that the two who are dominated do not understand their position and interfere mischievously with the ruling person, and are, therefore, in the way, and are not needed.

The theory of the triumvirate originally was that being three, two of them would be a majority ; but in practice it always turns out that the strongest man of the three is the majority.

The theory of the triumvirate was, also, that the power would be divided equally between three men, and each have his portion of the duties ; but practically it comes to this, that the dominant man always takes chief direction of all the duties, as citizens will remember was the case in this District when they call to mind the position of a certain member of the old Board of Public Works.

Again, if three persons are too many for an efficient executive, it is certain that that number is too few for legislative duties, if for no other reason, because they cannot represent fairly the wishes of a great community in local matters, or give to the scattered or discordant and perhaps antagonistic sections of the District, personal interviews, or go bodily into such various sections to make the proper inquiries.

Are the citizens dissatisfied with the present form of Government ?

Your Committee believes that a great majority of the citizens of the District are thus dissatisfied, and gives for evidence of the same the rise and existence of citizens' associations in various parts of the District ever since the abolition of the territorial government, and general talk upon the streets and elsewhere, the constant complaints found in newspapers, all in spite of the loyal support given to it by the local press, and of the frequent changes made in the personnel of the Board of Commissioners.

The complaint really grows out of the system, and not from the men who carry it out. But if the citizens were satisfied with the existing state of things, there would still be ample reason for a change if a change would be a benefit.

What should Congress do ?

The Committee answers that Congress should discharge its duty towards the District of Columbia as fairly and kindly as it ought to do towards the Indians, the other Wards of the nation.

“The recognized relation between the parties to this controversy, therefore, is that between a superior and an inferior, whereby the latter is placed under the care and control of the former, and which, while it authorizes the adoption on the part of the United States of such policy as their own interests may dictate, recognizes, on the other hand, such an interpretation of their acts and promises as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection. The parties are not on equal footing, and that inequality is to be made good by the superior justice which looks only to the substance of the right, without regard to technical rules framed under a system of municipal jurisprudence, formulating the rights and obligations of private persons equally subject to the same laws.”

Choctaw Nation v. United States, 119 U. S., 28.

Action Proposed.

Your Committee does not, in view of the peculiar condition of the District of Columbia and its relation to Congress, ask that its citizens shall have at present the right of unlimited manhood suffrage in the management of local affairs. Suffrage can hardly be regarded as a natural right, since it is generally restricted by sex and age, place of nativity, and length of residence, and mental and moral condition; and in this country, in communities of great age, and of successful experience, it has been further limited to those men of proper age, nativity, and length of residence, and mental and moral condition, who can read and write, and who pay a direct tax, whether per capita or upon property, for the support of their own local government, so that ignorant, worthless, imbecile, and criminal persons, who can neither be relied upon for defence or support of government, should be excluded from such privilege.

Recognizing the duty of all good citizens to assist cheerfully in such plans of local government, as Congress in its limited field of experimental territory may see fit to impose, so that each experiment may have a fair trial, your Committee still believes that an improvement may be made in the present local government, and that Congress ought in the interests of good government to improve the existing plan and give the District one Commissioner instead of three as at present, to the end of a better discharge of executive duties. This Commissioner should be appointed by the President and confirmed by the Senate. Congress should also authorize a Council of suitable citizens to be appointed by the President and confirmed by the Senate, each to be a resident of that portion of the District from which he is appointed, and sufficiently numerous to know or conveniently learn the wishes of the immediate constituents, and this number your Committee believes should be fifteen. This Council should be the legislative branch of the District Government, and should have the making of the local laws, ordinances, or regulations to such an extent as Congress may prescribe.

The Commissioner should have the appointment of all the inferior officers subject to confirmation by a majority of the Council, and should have a veto power over all legislative acts of the Council, subject to be overruled by a two-thirds vote of that body.

A bill covering these essentials and the requisite details is herewith submitted.

Your Committee recommends the approval of this bill, and the appointment of an Executive Committee to present the same to Congress and to urge favorable consideration.

Respectfully submitted, by order of the Committee.

REGINALD FENDALL,

Chairman.

TALLMADGE A. LAMBERT,
GEORGE W. DYER,
WILLIAM C. DODGE,

GEORGE WHITE,
JOHN E. HERRELL,
THOMAS J. LUTTRELL,
W. H. A. WORMLEY,
JOSEPH G. WATERS,
J. ORMOND WILSON,
W. SCOTT SMITH,
JOHN L. VOGT,
CHAS. E. HOVEY,
STEPHEN M. GOLDEN,

Committee.

A BILL

TO AMEND AN ACT ENTITLED “AN ACT PROVIDING A
PERMANENT FORM OF GOVERNMENT FOR THE DIS-
TRICT OF COLUMBIA.” APPROVED JUNE 11, 1878.

WHEREAS the Constitution confers upon Congress the power “to exercise exclusive legislation” over the District of Columbia ; and

WHEREAS, the two hundred and fifty thousand people of said District are taxed for the support of national and local government as heavily as any like number of their fellow citizens residing elsewhere in the United States ; and

WHEREAS, Congress, in which the people of said District are not represented, has established over said District a government by Commission, in the selection of whose members said people have no voice ; and

WHEREAS, in the absence of any provision of law for making known to Congress the will of a majority of said people, the Citizens’ Representative Committee of One Hundred, of said District, have, by a memorial, represented to Congress that the act establishing the present form of government ought to be amended so as to remove existing dissatisfaction and just cause of complaint on the part of citizens and tax-payers, and have set forth certain defects in said act, to wit :

1. It provides for an executive consisting of three persons and thus destroys that sole and personal responsibility which is the chief guarantee of a faithful exercise of executive powers and a prompt performance of executive duties.

2. It provides that one of these persons shall be an officer of the United States Army, whose entire education and experience have been in the line of military rule—a rule always despotic and generally odious when applied to civil affairs.

3. It clothes the Commission with many important legislative powers, and these are increasing by reason of the inability of Congress to consider and enact all the ordinances necessary for a growing municipality; and this joinder of legislative and executive functions is in violation of a fundamental principle of good government, and has worked harm in practice.

4. The Commission is too large for executive duties, and too small for legislative duties; it owes no allegiance to the tax payers; it is not in harmony with a majority of the people; and it fails to be informed of their needs; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all provisions of law authorizing the detail of an officer of the Corps of Engineers of the United States Army, and the appointment of two persons from civil life, to be Commissioners of the District of Columbia, are hereby repealed, to take effect when the successor in office of said Commissioners shall be duly appointed and qualified, as hereinafter provided.

SECTION II.

1. That within twenty days after the approval of this act, the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint one person from civil life to be Commissioner of the District of Columbia.

2. Said Commissioner shall have the qualifications, take the oath or affirmation, receive the compensation, give the bond, and have the official term now provided by law for a Commissioner appointed from civil life.

3. Said Commissioner shall exercise all the powers and authority now vested by law in the three Commissioners of said District, except as hereinafter limited and provided, and shall be subject to all restrictions and limitations and duties which are now imposed by law upon said three Commissioners.

4. Said Commissioner may grant pardons and respite for offenses against the laws of the District, and shall commission all officers who may be appointed by him under this act, and shall take care that the laws be faithfully executed.

5. The Commissioner of the District of Columbia herein provided for, as successor of the Board of Commissioners of the District of Columbia, shall be deemed and taken as an officer of the corporation of said District, and all process connected with the institution of any suit, or the conduct thereof, and all summons and subpoenas in relation thereto, shall be served upon said Commissioner, or in his absence or temporary disability, upon the President of the Council as acting Commissioner.

SECTION III.

1. That within twenty days after the approval of this act and annually thereafter, on or before the fifteenth day of June, the President of the United States, by and with the advice and consent of the Senate, shall appoint fifteen persons, one from each of the fifteen Council Districts hereinafter designated, who shall at the time of their appointment be citizens of the United States, and shall have been actual residents of the District of Columbia for five years next before their appointment, and actual residents of the Council District from which they are appointed for two years next before their appointment, and have, during said periods neither claimed residence nor voted anywhere else; and said fifteen persons and their successors in office, shall constitute and be denominated "The Council of the District of Columbia," and shall be commissioned by the President.

2. All vacancies in the membership of said Council resulting from expiration of term of office shall be filled by appointments for one year, and all vacancies resulting from other causes by appointments for unexpired terms.

3. Each of said councilmen shall, before entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States and faithfully to perform the duties imposed upon him by law, and shall receive for his services a compensation at the rate of three hundred dollars per annum.

4. Said Council shall have power of legislation on all municipal subjects authorized by the provisions

of this act, and not inconsistent with the Constitution of the United States, but said legislation shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

5. Among the municipal subjects in respect to which said Council may legislate, are the following : Assessments, taxes, health, abatement of nuisances, plumbing, buildings, police, fire, regulation of business and local traffic, wharves, licenses, regulation of the liquor traffic, charities, public schools, and officers, employees and salaries, but no increase of salaries and no salary for any new office created by said Council shall take effect until Congress shall have made appropriation therefor ; and said Council shall have full power to adopt and provide for enforcing penalties in relation to each and all of said subjects by information filed in the Police Court of the District in the name of the attorney of the District, as provided in the act creating said court ; but said Council shall have no power to appropriate money or contract debts for any purpose whatever.

6. Every bill or ordinance which may pass the Council of the District of Columbia herein provided for, before it becomes operative, shall be presented to the Commissioner, and if he approve it, he shall sign it, but if not he shall return it with his objections to the Council, which shall enter the objections at large on the journal and proceed to reconsider it ; if after reconsideration two thirds of all the members of the Council shall agree to pass the bill, it

shall become a law, otherwise it shall be regarded as rejected : and in all cases the votes of the Council shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of the Council.

7. If any bill shall not be returned by the Commissioner to the Council within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law as if he had signed it, unless the Council by adjournment prevent its return, in which case it shall not be a law.

8. The Council shall annually, on or before the first day of October, submit, through the Commissioner, to the Secretary of the Treasury for his examination and approval, statements showing in detail the work proposed to be undertaken during the ensuing fiscal year and the estimated cost thereof ; and also estimates of the cost of maintaining public institutions of charity, reformatories and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by said District ; and also estimates for expenses of the water department, as now provided by law : and also estimates for the maintenance of each and all the departments of the District Government, and all the necessary expenses of each and all branches of said Government.

9. The Council shall prepare and submit to Congress, through the Commissioner of the District, such bills or proposals for legislation as they shall deem necessary or expedient to bring to the attention of Congress.

10. The following officers of the District Government, together with any others of like grade which may hereafter be authorized, shall be appointed by the Commissioner, by and with the advice and consent of the Council, to wit: Assessor, Collector of Taxes, Auditor, Surveyor, Inspector of Buildings, Superintendent of Police, Chief of Fire Department, Health Officer, Attorney for the District, Trustees of Public Schools, and all other heads of departments of the District Government.

11. The Council shall meet annually on the third Tuesday in June, or as soon thereafter as practicable upon a day to be fixed by the Commissioner, and organize by electing one of its members as President, and the election of a secretary and such other officers as may be necessary for the transaction of its business; and thereafter said Council shall meet for the transaction of business at such time or times as they may determine, in a place to be provided by the Commissioner; and all meetings of the Council shall be open to the public; and in the absence, sickness or inability of the Commissioner to act, the President of the Council shall act as Commissioner.

12. The boundaries of the districts for members of the Council of the District of Columbia shall be as follows, the sections of Washington hereinafter referred to, being the four sections of said city into which it is divided by a line drawn due north and south through the centre of North Capitol street and South Capitol street, and an intersecting line drawn due east and west through the centre of East Capitol street.

FIRST DISTRICT.—All that part of the southwest section of Washington lying west of Sixth street.

SECOND DISTRICT.—All that part of the southwest section of Washington lying east of Sixth street.

THIRD DISTRICT.—All that part of the southeast section of Washington lying between South Capitol street and Pennsylvania Avenue.

FOURTH DISTRICT.—All that part of the southeast and the northeast sections of Washington lying between Pennsylvania avenue and Maryland avenue.

FIFTH DISTRICT.—All that part of the northeast section of Washington lying between Maryland avenue and North Capitol street.

SIXTH DISTRICT.—All that part of the northwest section of Washington lying within the following bounds: North Capitol street, Ninth street, Boundary street, and Massachusetts avenue.

SEVENTH DISTRICT.—All that part of the northwest section of Washington lying within the following bounds: North Capitol street, Ninth street, Massachusetts avenue, and public grounds on the south of this section.

EIGHTH DISTRICT.—All that part of the northwest section of Washington lying within the following bounds: Ninth street, Sixteenth street, Boundary street and K street.

NINTH DISTRICT.—All that part of the northwest section of Washington lying within the following bounds: Ninth street, Sixteenth street, K street, and the public grounds on the south of this section.

TENTH DISTRICT.—All that part of the northwest section of Washington lying within the following

bounds : Sixteenth street, Rock Creek, Boundary street, and K street from Sixteenth street to its intersection with Pennsylvania avenue, and from thence said avenue to Rock Creek.

ELEVENTH DISTRICT.—All that part of the northwest section of Washington lying within the following bounds : Sixteenth street, and the public grounds on the south of it, Rock Creek, Pennsylvania avenue from Rock Creek to its intersection with K street, and from thence said street to Sixteenth street, and the public grounds on the south of this section and the Potomac river.

TWELFTH DISTRICT.—Georgetown.

THIRTEENTH DISTRICT.—All that part of the county of Washington lying west of the Fourteenth street road from Boundary street to its intersection with the Seventh street road, and from thence west of the last-named road to the boundary of the District of Columbia.

FOURTEENTH DISTRICT.—All that part of the county of Washington lying between the Fourteenth street road to its intersection with the Seventh street road, and from thence said road to the boundary of the District of Columbia and the old Bladensburg road.

FIFTEENTH DISTRICT.—All that part of the county of Washington lying east of the old Bladensburg road.

13. The boundary lines of the districts hereinbefore enumerated shall be the centres of the streets, avenues, roads and reservations designated, and said boundary lines shall continue as herein defined until altered by an ordinance of the Council.

SECTION IV.

That the President of the United States may, from time to time; detail an officer from the Engineer Corps of the Army of the United States, who shall, subject to the supervision and direction of the Commissioner, have charge of the work of construction, repair and improvement of streets, avenues, alleys, Water Department Works, sewers, roads, bridges, and all other engineering work of the District of Columbia. And the President may also detail not more than two other officers from said Corps to act as assistants to said chief engineer.

SECTION V.

That all the provisions of "an act providing a permanent form of Government for the District of Columbia," approved June 11, 1878, and also all modifications and changes thereof made by acts of the Congress of the United States, as well as all laws and ordinances of the District now in force, shall remain in full force and effect, so far as the same are not inconsistent with the provisions of this act.

SECTION VI.

That from and after the approval of this act the designation "city of Washington" shall include all the territory within the limits of the District of Columbia ceded by the State of Maryland.

SECTION VII.

That all laws and parts of laws inconsistent with the provisions of this act be, and the same are, hereby repealed.







LIBRARY OF CONGRESS



0 014 369 620 0

